

PATENT  
Docket No.: 28682-501-CIP  
(Formerly 2710-4007US2; PIT-010CIP)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael B. CHANCELLOR, *et al.* Confirmation No.: 9119  
Serial No. : 09/549,937 Customer No.: 35437  
Filed : April 14, 2000  
Art Unit : 1635  
Examiner : Brian A. Whiteman  
For : **Soft Tissue and Bone Augmentation and Bulking Using  
Muscle-Derived Progenitor Cells, Compositions and  
Treatments Thereof**

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT IN RESPONSE TO THE FINAL REJECTION**  
**DATED DECEMBER 20, 2004**

Dear Sir:

This Amendment is submitted under 37 C.F.R. §1.116 in reply to the December 20, 2004 Final Office Action received in the above-identified patent application. Entry and consideration of this responsive amendment are respectfully requested at the time of examination of the subject application.

Please amend the application as follows:

**Amendments to the Claims and New Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 12 of this paper.

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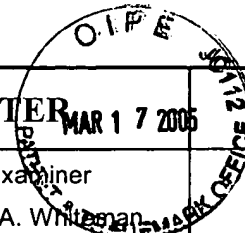
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03/18/05



AF# 1211

AMENDMENT TRANSMITTAL LETTER

Docket No.  
28682-501-CIP  
Group Art Unit  
1635

|                          |                               |                              |
|--------------------------|-------------------------------|------------------------------|
| Serial No.<br>09/549,937 | Filing Date<br>April 14, 2000 | Examiner<br>Brian A. Whitman |
|--------------------------|-------------------------------|------------------------------|

Applicants: Michael B. Chancellor, et al.

Invention: **Soft Tissue and Bone Augmentation and Bulking Using Muscle-Derived Progenitor Cells, Compositions and Treatments Thereof**

TO THE COMMISSIONER FOR PATENTS

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith is an Amendment in the above-identified application.  
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

|  | Claims Remaining<br>After Amendment | Highest #<br>Previously Paid | # Extra Claims<br>Present | Rate       | Additional Fee |
|--|-------------------------------------|------------------------------|---------------------------|------------|----------------|
| Total Claims   | 57                                  | - 106 =                      | 0                         | x \$50.00  | \$0.00         |
| Independent<br>Claims  | 11                                  | - 7 =                        | 4                         | x \$200.00 | \$800.00       |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |                                     |                              |                           |            |                |
| Total  |                                     |                              |                           |            | \$800.00       |
| Small Entity Reduction (-50%):   |                                     |                              |                           |            |                |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                                  |                                     |                              |                           |            | \$800.00       |

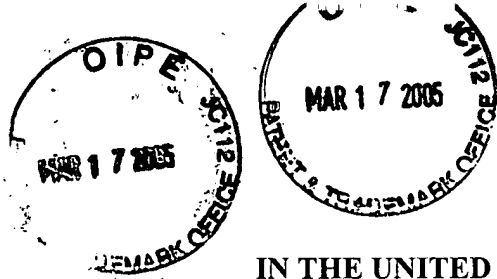
- ☒ Large Entity ☐ Small Entity
- ☐ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. 50-0311 in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$800.00 to cover the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0311, Customer No. 35437 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 C.F.R. 1.16 and 1.17.

*Leslie A. Serunian*

Dated: March 17, 2005

Leslie A. Serunian, Reg. No. 35,353  
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Express Mail Label No.: EV 627295296US



Attorney Docket No.: 28682-501 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. Serial No. : 09/549,937 Customer No.: 35437  
Filed : April 14, 2000  
TC/A.U. : 1635  
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Thereof**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL**

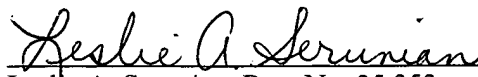
Date of Deposit: **March 17, 2005**

I hereby certify that the document(s) and fee(s) listed below are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 627295296US** under 37 C.F.R. §1.10 in an envelope with prepaid postage on the date indicated above and addressed to **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Amendment in Response to the Final Rejection dated December 20, 2004 [21 pgs.];
2. Accompanying document: Human Physiology, From Cells to Systems, (1989), Ed. Lauralee Sherwood, West Publishing Co. St. Paul, MN, pages 250-251 [total 5 pgs.];
3. Amendment Transmittal Letter [1 pg.];
4. Check No. 2528 in the amount of \$800.00 to cover additional claim fees;
5. Express Mail Transmittal [1 pg.]; and
6. Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York. The Director is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. **50-0311**, Reference No. **28682-501 CIP**, Customer No. **35437**.

Dated: March 17, 2005

  
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